

Police Official Accused in Meyer Inquiry

one of the company's lines, to which the officials of the Police Department have been assigned. The situation with the company was not satisfactory. In addition to the inspector, he said, there were present Captain Behar, the first precinct, and Captain of Detectives Walsh. Gilbert said it was at this luncheon that Henry made the suggestion that Cross be employed. He admitted that he suggested to the company that the inspector ought to be helped, but denied that he mentioned any amounts.

In Behar's testimony, relating to the payments, Captain Rospi, head of the Italian line, also plays a prominent part. Behar's testimony, in answer to Mr. Brown's questions, reads as follows:

Q—At page 492 of your ledger appears an entry, "Gratuity as per advice of Gilbert, \$500," dated May 21, 1920. Is that right? A—That is right.

Q—Who was that payment made for? A—That was a payment made to Mr. Gilbert for payment to Inspector Henry.

Q—From whom did you learn that the money was paid to Inspector Henry? A—From my attorney, Mr. Gilbert.

Q—And you got the same information in relation to both payments? A—That is right.

Q—You didn't get any receipt for this money? A—No.

Q—Just handed it in cash over to your attorney? A—That is all.

Q—That means the two \$500 items? A—That is right.

Q—Did Gilbert ask you to pay it in cash? A—Gilbert asked us to send \$500 each. That is all we did.

Q—You didn't send it by check? A—No, we didn't send it by check.

Q—You gave it by cash? A—We did.

Q—You testified before the subcommittee as follows: "Captain Rospi told me he was going to give that money to someone in the Police Department. He was connected formerly with the Police Department. He was going to give that to Inspector Henry, who was then under charges. Each of these \$500 payments, one in May and one in June, were given to Inspector Henry. You testified to that? A—I don't remember testifying to that.

Letter Tells of Graft Gift
Mr. Brown here introduced a letter written June 17, 1920, to the home office of the Italian line, the commercial secretary, in Italy, by the local office in connection with the transaction. This letter reads:

"In the account current, referring to the name of Meyer, I have marked you will find charged to your debt an amount of \$500, paid to Gilbert & Gilbert, as gratuity, in accordance with the understanding of our Captain Rospi."

Mr. Brown added: "That is June 17, and July 21 a letter from the same to the same. With reference to our letter of June 17, I have marked you that we have paid other \$500 to our lawyers, Gilbert & Gilbert, as per understanding with Captain Rospi. I have charged said amount on the pier account in the account current of June."

Mr. Brown then said: "You were asked the following questions and made the following replies, did you not?"

Q—You were told by Captain Rospi that the money was given to Inspector Henry, who was then under charges? A—Yes.

Q—In the Police Department? A—Yes.

Q—Was connected formerly with the Police Department? A—Yes.

Q—He was going to give that to Inspector Henry? A—Yes.

Q—That was, each of those \$500 payments, one in May and one in June? A—My understanding is that I heard of those things from Gilbert and not from Captain Rospi.

Q—I understood you to say to me a little while ago that you had received the information as to what was to be done with these \$500 payments since you testified before the subcommittee, and that you had learned it from Gilbert? A—That is correct.

Cash Given as Ship Arrives
Q—Now, it is customary to give gratuities to the police on the dock when a ship arrives ashore? A—It is.

Q—Five dollars to each one? A—Five dollars to each one.

Q—Behar went on to the pier to give to complain of not getting cooperation from the Police Department, but that he had no complaints from the Police Department? A—That is correct.

Q—Now, Gilbert first mentioned the necessity of paying this \$1,000 to Henry some time in May, didn't he? A—Yes, he came to see Rospi.

Q—Did he see you, too? A—No.

Q—Who told you that Inspector Henry had come to see Gilbert? A—He told me that he was broke and needed money for his defense in connection with some charge? A—Mr. Gilbert.

Tracing of \$1,000 Present
Q—And Gilbert told you he had decided on giving him \$500? A—That is right.

Q—Now, Gilbert came to see you in relation to the second \$500? A—No, he didn't come to see me.

Q—To see Rospi? A—I suppose. I don't know.

Q—Well, then, how could you testify that Gilbert had told Rospi that Henry had come to his office and had given him \$500? A—That is what Gilbert told me.

Q—He told you that? A—And Gilbert told me that he had given him \$500 and he did with it? A—No.

Mr. Behar's testimony ended with the explanation that the firm of Gilbert & Gilbert, the company's attorneys, was composed of Francis and A. S. Gilbert, brothers.

Francis Gilbert's testimony began with some questioning as to who attended the luncheon in February, 1920, when it was decided to employ Cross. "As near as I could remember," said Gilbert, "there was Captain Rospi, there was Inspector Henry, there was Captain Behar, and there was Captain Behar. I think, is a Captain Walsh, who, I think, was in charge of the pier, a bureau of that precinct. There was also a man named Cross. I think he was a detective or sergeant or detective or patrolman. Now, in addition to that, there was Louis Costa, of the Italian line, and there were others. I think he has correctly named."

Mr. Brown took up the examination as follows:

Q—There were any of the police in uniform at that luncheon? A—Well, Henry was not.

Q—Now, Henry suggested recruiting retired policemen? A—Yes, sir.

Q—Did he say that they ought to have them sworn in as special officers with power to carry guns and to shoot in any trouble? A—Yes, sir; in fact, I had made the same suggestion myself.

Q—Now, somebody suggested the name of Inspector Cross? A—Yes.

Q—Who was that? A—Inspector Henry.

Q—You testified you told Inspector Henry to send Cross over to the pier? A—Yes, I discussed it with Inspector Henry, and I asked him who he could suggest and he said former Inspector

Inspector Dominick Henry

Cross, and then I saw Cross and we employed him.

Q—You gave \$500 to Henry, didn't you? A—Yes, sir.

Q—Did you have any talk with him about it? A—Well, he came to my office. It was at that time just at or before the day of the trial of the indictment charging him with neglect of duty.

Q—It was early in 1920, wasn't it? A—Whenever that trial occurred. I should say it was in the spring of 1920.

Q—Spring of 1920? A—It was within a day or two of the date of the check.

Q—How came to your office? A—Yes, he came to my office.

Q—Tell the conversation. A—Why, he came to the office, and I don't know whether I had asked him to come, or whether he had spoken to me over the telephone and called me up, but in any event I had some talk with him over the telephone about these charges, and he said he would like to see me.

Q—Were these charges pending before the Police Commissioner? A—This was the indictment when he was charged with neglect of duty, and I told him I would be glad to see him and talk over his case with him, and he came down and I discussed the matter with him and he told me he was pretty hard up.

Q—You were not his lawyer? No, sir.

Hard Luck Story Told
Q—Who was his counsel? A—At that time Bourke Cockran was his counsel, assisted by a Mr. Murphy, who had formerly been in the Police Department, and he told me that he had had to pay great sums for his defense, and that he felt that he was terribly treated, that he had been a good policeman, and he had been on the force I have forgotten how many years, that he had been within a few months of the time when he could retire, and that he did not have any money; that he had been an honest policeman, and that he was in this predicament, and while he did not say directly—

Q—He confessed to you that he was an honest man? A—Well, if you enjoy the indignation, I am here for business. I am trying to get away from it. I was just making a pleasant story.

Q—He told me his story. I felt sorry for the man. I had known police officers for many years, and I had seen the work they had done, and Inspector Henry was known to me as a very capable, honest man. He had never asked for anything, and he had never indicated that he wanted anything, and when he came to me in difficulty, having been of assistance to me and to my client, I did what I think you might have done if you had been in my place. I called up my client and I told him my situation. I did not tell him any particular sum. I left it to them and I did not know how much they were going to contribute until they called me and I then gave it to Inspector Henry, and there was no indication at that time, no intention of giving any more, or any promise of any kind, or any expectations of any more at that time.

Q—Henry was suspended for neglect of duty? A—Yes, sir. The trial was to take place within a few days of the time I gave him the money.

Q—After that did you have any conversation with him about getting any more money? A—Yes, he came to see me or I met him, and he talked to me about his acquittal. It was after his acquittal. He told me he was coming up on trial on this perjury charge.

Q—On a new charge? A—Yes, in a new charge, and it was to come on, and he told me about the perjury charge, and I told him from what he told me I did not think he would have any difficulty and I hoped he would be acquitted. One morning a message was delivered to me. I think somebody had been at the office.

Q—That was when he was in jail? A—When he was in jail. He had been convicted and he had been in the Tombs, I think it was a Saturday morning somebody had been at the office or had telephoned; in any event, I got there there was a message that Inspector Henry was in the Tombs and wanted to know if I could come up to see him or could give him some help. I did not go up to see him.

Q—Behar over the telephone and I talked to him about the situation when I saw Behar I am quite sure it was Behar. I might have been Rospi—I communicated with that office and I told him that Henry was convicted and was in jail. The message that I had was that he wanted to retain Governor Miller, who was then practicing law. How I got that word I have forgotten.

Q—You were one of his attorneys, called to see me that day and it was Murphy, I think, that told me that he was counsel and that he was taking the matter under advisement and that it cost him a great deal of money, and I told Behar of the man's plight and I said to him if you can do anything more for him I think it ought to be done. I recommended nothing, gave no amount, nor did Henry ask any amount.

Q—You gave him the second \$500? A—No, sir.

Q—You sent a boy from your office? A—Yes, sir.

Q—To the Tombs? A—Yes, sir.

Q—Now, Mr. Behar testified this morning in regard to this second \$500 payment. "Mr. Gilbert also came to see me. I do not remember whether to me or to Captain Rospi, but he told us that Inspector Henry had been in his office and had called him up and told him that he did not think \$500 was enough for him to have given him \$500 more and he did with it." A—He is entirely mistaken, sir.

Q—That is what I want to know. A—I never saw them about the second \$500. That was entirely—

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Q—The \$500 came out of their own funds? A—No, sir. The amount did not come from the company. I think that the \$500 in cash as given by the company to you? A—Yes, sir.

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Q—You have no doubt about it? A—No, I have no doubt about it.

Hereafter Dominick Henry, in the following questions, which the witness answered:

Q—You could just as well have given it to him by check, couldn't you? A—For the inconvenience on account of his condition? A—Certainly, the company made a record of it.

Q—It was not in an effort to conceal it? A—No, sir. I don't think so.

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Mr. Brown then resumed:

Q—Inspector Henry, as per advice of Mr. Gilbert, \$500? A—That is right.

Q—He had been on the force I have forgotten how many years, that he had been within a few months of the time when he could retire, and that he did not have any money; that he had been an honest policeman, and that he was in this predicament, and while he did not say directly—

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